

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
DIVISION

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Calvin Scott, Sr.)
(Blind Vendor))
)
Plaintiff (s),)
)
v.)
)
James Buddy Swearengin)
State of Alabama Dept. of Finance)
)
Defendant(s))

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

CIVIL ACTION NO.
2:05-CV-00651-MHT-CSC

Calvin Scott, Sr.)
(Blind Vendor))
)
Plaintiff (s),)
)
v.)
)
Ray Dennis, Perry Hopper, Ken Green)
State of Alabama Dept. of Rehabilitation Services)
Business Enterprise Program)
Defendant(s))

CIVIL ACTION NO.
2:05-CV-652-F

FULL EVIDENTIARY HEARING STATUS REPORT AS ORDERED BY THE
HONORABLE JUDGE CHARLES S. COODY

Thank you for giving me, Calvin Scott, Sr., the
opportunity to give you a report of the Full Evidentiary Hearing Pursuant to the Randolph
Sheppard Vending Act 20 U.S.C § 107 et seq held on October 6, 2005 at the ADRS office
located at 2129 East South Blvd, Montgomery, Alabama.

I am very dissatisfied with the decision that was rendered by ADRS Hearing Officer Frank S. James III. Frank S. James III did not grant me any justice in this matter. The aforementioned ADRS Hearing Officer was given documentation clearly supporting what the defendants had done and which laws they violated.

The lawsuit(s) that were filed were sparked by three simple requests I presented on January 31, 2005 to my BEP representative Ken Green and ADRS Director Ray Dennis:

1. A permanent Electronic ID card/Swipe Key
2. A designated parking space for the Blind Vendor
3. Removal/relocation of a snack machine to an area better suited for business

The three simple requests listed above resulted in me loosing my permanent position as a licensed blind vendor in the Alabama Business Enterprise program.

In February 2005 the State of Alabama Department of Finance building manager, James Buddy Swearengin, Jr., along with my Business Enterprise Program Director and Representatives collaborated against me in an effort to take my job, however, in their haste they violated Federal and State Laws of Title I of the Americans with Disabilities Act (ADA), Title II, Title 504, and Alabama State Code 1975 §§ 21-1-40, 21-7-2, 21-7-5, 21-9-1, 21-9-6, 21-9-9, 795-7-2-04, 20 U. S. C. § 107 et. Seq. James Buddy Swearengin, Jr also committed libel, slander, and defamation of character when he drafted a letter on State of Alabama letterhead containing the slanderous lies and defamed my character. This same slanderous letter was distributed to ADRS representatives and Director which they used to attempt to justify their actions of inventorying me out of the BEP program.

On February 24, 2005 I was fired and inventoried out of the B.E.P. for the Blind without any hearings nor a Full Evidentiary Hearing as required by State and Federal Laws. ADRS Director Ray Dennis violated 795-7-2-04, 20 U. S. C. § 107 et when he inventoried me out of the BEP program prior to granting me a full Evidentiary Hearing. Ray Dennis sent me letters via FEDEX that support my claims that I was removed from the BEP program.

The ADRS Hearing Officer, Frank S. James III was told about all of these violations and was given documents in black and white fully supporting each of the violations. In reading his decision Frank S. James III failed to mention any of these violations. The hearing lasted five hours. Franks S. James III decision does not reflect what actually happened in the hearing. The defendants and their State appointed attorney's were stunned with the overwhelming amount of evidence/documentation I presented fully supporting my case. Against my documentation the defendants nor their attorney's had any defense. But you wouldn't know that from reading Frank S. James's III decision. Yet, Frank S. James, III rendered a decision in favor of the defendants when he failed to grant me the relief I requested.

The relief that I requested at the hearing for each defendant violating ADA Federal Laws and Alabama State laws was as follows:

- \$1 million from Ken Green
- \$1 million from Ray Dennis
- \$1 million from Perry Hopper
- \$1 million from James Swearengin, Jr.

Enclosed you will find documents that were presented during the hearing and given to ADRS Hearing Officer Frank S. James, III. You will find one document that clearly shows that ADRS Commissioner Steve Shivers also participated in my dismissal from the BEP program.

Additionally, I had written the US Office for Civil Rights, Congressman Mike Rodgers, President George Bush, Vice President Dick Cheney, Governor Bob Riley, State Representative Thad McClammy, and State Finance Director Jim Main. The response from writing all of these highly influential leaders is what forced the Dept of Finance to get me my job back in the ADRS BEP program. However, for nearly 30 days I was without any income to support my family and suffered tremendously due to the stress and depression caused by the defendants.

Sincerely,

Calvin Scott, Sr.

Sworn to before me this 7th
Day of December 2005



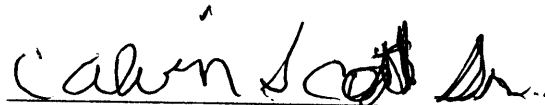
NOTARY PUBLIC

7-1-2006

Respectfully Submitted,

Calvin Scott, Sr.

December 7, 2005
Date



Plaintiff(s) Signature

1416 Marler Rd

Pike Road, Alabama 36064

Address, City, State Zip Code

(334) 272-2657

Telephone Number

CERTIFICATE OF SERVICE

I Hereby certify that on this 9th day of Dec.
2005 a copy of this FULL EVIDENTIARY HEARING
REPORT was mailed to the DEFENDANTS

Calvin Scott Jr.
12-9-05